

counsel willing and able to take on a matter of this type and the likelihood that the claim is truly substantial. Given the allegations of the Complaint, and the pending Motion to Dismiss, and upon consideration of plaintiff's request for the assistance of a lawyer, under the standards contained in 28 U.S.C. Section 1915(e) and interpretative cases, including Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993), the Motion for Appointment of Counsel is **DENIED**. In addition, as Plaintiff clearly states in his pending motion that he wants his Complaint to be withdrawn if counsel is not appointed, the undersigned recommends that the Motion to Withdraw be **GRANTED**.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to file an Appeal of the Order denying the appointment of counsel, or Objections to the Report & Recommendation that the Motion to Withdraw be granted, to the district judge pursuant to the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), Local Rule 72.1.4B. Failure to appeal or file objections within ten (10) days may constitute waiver of these rights.

s/Lisa Pupo Lenihan
LISA PUPO LENIHAN
U.S. Magistrate Judge

cc: Gregory LaBoon
AJ-2594
SCI Cresson
P.O. Box A
Cresson, PA 16699

Counsel of Record